

RECORDS MANAGEMENT COMMITTEE

City Clerk's Conference Room, City Hall

400 Stewart Avenue, Las Vegas, Nevada

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

November 14, 2003

1:30 p.m.

CALL TO ORDER: City Clerk Ronemus called the meeting to order at 1:41 p.m.

ATTENDANCE: Barbara Jo (Roni) Ronemus, City Clerk
Steve Houchens, Deputy City Manager (excused)
Pat Dues, Project Officer, City Manager's Office on behalf of Deputy City Manager Steve Houchens
John Redlein, Assistant City Attorney
Mark Vincent, Director, Finance & Business Services (excused)
Joseph Marcella, Director, Information Technologies
Richard Goecke, Director, Public Works (excused)
Radford Snelding, City Auditor (excused)
Mike Hougen, Information Technologies
Terry Menta, Consultant, IMERGE Company
Beverly Bridges, Chief Deputy City Clerk
Sharon Kuhns, Records Administrator
Teri Mark, State Records Manager, Nevada State Library and Archives
Angela Crolli, Deputy City Clerk

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW -
Meeting noticed and posted at the following locations:

Las Vegas-Clark County Library District, 833 N. Las Vegas Boulevard
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall Plaza
City Hall Plaza, Posting Bulletin Board

(1:41 - 1:42)

1-1

City Clerk Ronemus welcomed Teri Mark, State Records Manager, Nevada State Library and Archives, and Terry Menta, Consultant, IMERGE Company, who will assist with the Electronic Document Management Program.

(1:42 - 1:43)

1-7

BUSINESS:

1. DISCUSSION AND POSSIBLE ACTION ON FINAL MINUTES OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF JULY 25, 2003.

REDLEIN - Motion to APPROVE – MARCELLA seconded the motion – UNANIMOUS with Pat Dues voting for Houchens (excused), Goecke, Vincent, and Snelding excused

There was no discussion.

(1:43)

1-40

2. REPORT AND POSSIBLE DISCUSSION ON THE STATUS OF THE RECORDS STORAGE FACILITY AND ARCHIVES.

City Clerk Ronemus indicated that the new site is located at the corner of Buffalo Drive and Peak Drive. Office space has been provided, but it will be used when needed. The actual warehouse storage area is 9,000 square feet with 1,050 square feet for Information Technology's storage, and an 840 square feet firelock vault for microfilm, permanent records, and minutes. She asked if the location of the doors has been changed. Mr. Hougen, Information Technologies, replied that he was not aware of any changes. His understanding was that there would be a wire chain link cage. Ms. Kuhns pointed out the fire code does not allow the wire chain link cage. There will be walls with doors. City Clerk Ronemus added that Public Works would also have a portion of the building for storage. The records facility can be expanded to the east and doubled in size. No elevations have been presented. The facility faces residential and its façade would need to blend with the residential surroundings. Completion and move-in is anticipated for 2005 with no more than 50% capacity. Everybody will have a year to get the records ready for storage for their required retention period.

Mr. Marcella discussed with City Clerk Ronemus that the facility would primarily store paper records, as well as microfilm, Mylar, maps, and historical data. Ms. Kuhns added that areas would have to be identified for different materials for the fire engineer. As far as climate control, swamp coolers were considered because they are cheaper to run, but may cause too much humidity. In addition, City staff would have to maintain them making it cost prohibitive. Mr. Marcella pointed out that there has to be 30% humidity for paper in order not to create static discharge. City Clerk Ronemus noted that a chiller plant was recommended for the entire build out of the building, but it was determined that it would be too expensive. A certain amount of money would have to be provided for the plant. Therefore, the AC units will be increased instead of the chiller plant.

Mr. Hougen indicated that because of the high humidity and high heat the swamp coolers would not be conducive to the paper as it will curl and dry out. In some instances the paper could potentially be damaged. He verified for Mr. Marcella that the print shop has air conditioners and that the swamp coolers were removed. City Clerk Ronemus mentioned that the facility's maximum height

is 20 feet, the shelving units are 16 feet and an additional four feet is required for the sprinklers and other required piping. In response to Mr. Marcella's query, she indicated that the budget accommodates a forklift. She informed Ms. Dues that the facility is fully fenced and there is an alarm system. There will be no windows or doors along Buffalo Drive, other than what is required by code. Pillars will allow small areas of light to filter through for the office and break room. Ms. Kuhns stated that construction will start July of 2004.

(1:43 – 1:58)

1-58

3. DISCUSSION AND POSSIBLE DIRECTION ON THE CITY OF LAS VEGAS ELECTRONIC RECORDS MANAGEMENT PROGRAM AND PRESENTATION BY TERI MARK, STATE RECORDS MANAGER, NEVADA STATE LIBRARY AND ARCHIVES.

Teri Mark, State Records Manager, Nevada State Library and Archives, stated that the Nevada Electronic Records Committee (NERC) is chaired out of the State Records Management Program. John Paul Deley left in January of 2002 and when she took over in August of 2002 her responsibility was to reorganize NERC. Mr. Deley was responsible for the electronic archive. All the best people throughout the State and local government will be involved to ensure that whatever policy is set will not be impossible for everyone to follow.

A strategic plan was laid out and a Request for Proposal (RFP) for statewide contracts was issued for electronic document management applications. The DOD Standard 5015.2 was used, which was adopted by the State of Nevada as a standard. The RFP was sent out in July and they are currently in the final stage of the selection. The responses have been reviewed and will be sent to the Board of Examiners in December. Those contracts will be awarded effective January 1, 2004. The objective was to identify companies that could do the full spectrum of consulting, implementation, software and hardware, if necessary, and maintenance. Seven companies made that list. As a statewide contract, it gives the opportunity to other entities to go out and talk to those individuals without having to go out through an RFP process again. The contracts will be for two years with the right to extend it one more year. There are several companies that represent different software companies. The goal is to ensure that whatever software they propose is DOD compliant, a company with full service concept, and one that stands behind servicing of the software.

Mr. Marcella stated that there are two separate initiatives in the City, one of which is dealing with e-mails, which because of its volume, is handled separately. When using Microsoft, whether using Word as part of the workflow application and is attached to an e-mail that is part of Outlook, he feels that is still workflow electronic document management. The areas of concerns are the e-mail and the EDM world. The City's intent is to look at that from a price perspective, integrate it, and leverage the rules that already exist in paper. The other part is to jointly integrate from an enterprise perspective the workflow and electronic document management. The first item is the enormous amount of e-mail that comes in every day that needs to be filtered and determined whether it is usable or not. It could be an official document. It could in fact be something that

should have gotten a spam filter based on size, content, and language. There is a purge rule where all of the opened e-mails, regardless of whether it is in the sent, deleted or in-box, are automatically purged. It is assumed that the e-mail are opened and after 45 days it is gone and on a continuous 45 days it goes to a backup file, which means that they exist 90 days through the entire cycle. There are very few real rules on electronic e-mail. There are rules, policies, processes and best practices, but is unclear when it comes down to the physical record, its final destination, its life cycle and how it fits with the appropriate record. He is not certain that by purging them within 45 days whether the City is in compliance. The three dilemmas are the authentication of an e-mail, the determination whether it is a record and the final disposition. That is why the City is looking to the State for general practice rules and or life cycle.

Ms. Mark indicated that there is a big controversy with records management on the deletion of e-mail. There are those who say that they want it deleted within 45 days and those who say that it cannot arbitrarily be deleted. Her opinion is that the e-mail system is a retrieval and delivery system. It is not a filing system. It is no more than someone filing all records that come across the desk and into an in-box. It is an easy way of delivering information. The e-mail system is not looked as being the filing system. The State recognizes four different types of e-mail. Not all agencies will allow government employees to receive personal e-mail. However, if a personal call is received, personal e-mails can be received. There is no retention period because it should be deleted as soon as possible. Then there is the transitory information, which is short-term information, such as an agenda for a meeting. There is a small percentage that is public records. The retention schedule has to be applied to determine if it is a public record, and if it is, it has to be filed appropriately, either within the enterprise document management system or print it out and put it in a paper file, depending on how those records are being managed. The State has a records' retention schedule created for local governments. It is five years old and is in the process of being revised, and should be completed in a year. The State does not look at a CD as the media for a long-term retention. Another issue is that two people could actually be keeping the e-mail because it is a public record. The fact that it was sent and then received, both parties could be the official record-keepers of that.

Mr. Marcella asked what the State is doing, from a public record perspective and from an authentication perspective to make sure that it holds up in court. Ms. Mark replied that that is one of the reasons why the State went with the DOD 5015.2 standard. They recognize two different phases, they have their documents, which are in the workflow and can easily be modified, change it, edit, redline it, and then it gets transferred into what they call the record and that is when it cannot be edited. It is static from that point and protected. It can be copied, but it cannot be changed. The big difference between some other software companies is the fact that they declare an official record, and that is the advantage of the DOD standard, and one of the reasons why the State wanted to adopt that as a standard, so that those records have that authenticity attached to it. Mr. Marcella explained that one of the processes that the City follows is that anything that sits in the 45 days category gets purged. It is reasonable to assume that with any EDM enterprise approach the maintaining of those documents, the e-mail process and those official business items that get taken care through that process also need to be part of this overall consideration. Ms.

Mark stated that the e-mail issue is becoming more frequent with private companies. They have a six-year retention requirement for e-mails relating to, for instance, trading of stocks. They are developing those tools that government agencies can use for public records as well.

Mr. Marcella indicated that currently something that is 45 days old is purged in a back-up file. By the limitation of the present technology, he would have to restore the entire City's mailboxes to find something according to the subject. In many instances, the record is not going to be retrievable or too expensive to do. He asked Ms. Mark what is the exposure to the City if it is not able to render the record if that is the only way it ever existed. Ms. Mark replied that the State does not look at the backup system as being a vital records protection method. It is only used to backup data. There is a distinction between those records that are purposely destroyed and those that are accidentally destroyed. There is no way to know whether that was an accident or purposeful. It is a Class C felony to destroy public records that have been destroyed prematurely or to fraudulently destroy records. More and more records are being destroyed accidentally. Everyone should be apprised of the records retention schedule, what their procedures are, and when those records can be destroyed. Mr. Marcella verified with Ms. Mark that 20% percent of e-mail fit into that category. Therefore, for the most part e-mail is correspondence. City Clerk Ronemus commented on the concept of one large file box. Much of that is transitory information. She pointed out that all e-mail she receives on a particular agenda she moves it into her personal folders. As soon as the entire meeting process is final she deletes the entire e-mail box. The information received was in draft form with working documents up until the meeting is final. Many do not use personal folders or what they put in it is not a record, but a transitory spot. Ms. Mark pointed out that every entity is struggling with this same issue.

Mr. Marcella asked if the City of Las Vegas is approaching this appropriately by doing an enterprise approach to all records management. Ms. Mark replied that she believes the City is on the leading edge and that the State might use it as a case study. Mr. Marcella added that if the retention schedule can be replicated in an electronic record or aligned with a paper record, the City is probably heading in the right direction. He questioned if there is a policy for e-mail that would preclude, other than fitting into this category, an electronic record as nothing more than correspondence and therefore is not the official record since there is no mechanism to authenticate it and protect it. Pat Dues stated that the individual has to decide what is public record or important to be saved. Good procedures and policies need to be implemented to help that individual determine what is saved and what is not. Ms. Mark commented that different entities within the city have different rules on what is a public record. Each one has to have that identified and would apply both to paper and electronic or a voice record. Most of this will be addressed in the City's retention schedule.

Assistant City Attorney Redlein pointed out that anything generated or maintained in the course of performing public duties is a public record. When somebody asks a question about a draft, it could be an e-mail, the e-mail goes into the production of the report, but that e-mail itself, unless pivotal or crucial to the report, is probably something that would never be printed and saved in that paper project file. In a global view people talking about retention of records and the obligation to

it, do not want individuals deciding what they should keep, and yet it is fundamental to what becomes a record. He expects every custodian of records to know what is confidential by law. But if they are uncertain about giving out that information, he should expect a call for advice on whether that information should be released. Mr. Marcella stated that this type of correspondence should be placed in a specific location and established as part of the process and procedures. This would give the individual the choice of putting it in that location rather than trying to figure out what can or cannot be deleted. Once there, it would go through editing and eliminate the duplication. Whatever mechanism is implemented it could recognize an exact duplicate, assign parameters so it cannot be altered and then it becomes a permanent record in whatever life cycle, whether in Mylar or electronic format going forward as the electronics get updated.

He confirmed with Ms. Mark that the State, as part of this process, is trying to establish general guidelines that would facilitate these issues by providing general rules that they would apply to their own technology or methodologies within their own organizations. City Clerk Ronemus confirmed with Ms. Mark that the policy on defining information transmitted was established by the State Records Committee and set as State policy. It is available to the City if they wish to adopt all or whatever part is needed. The next course of action is to establish some sort of guidance for people on what to do with e-mails.

Mr. Marcella asked Terry Menta, Consultant, IMERGE Company, to explain how he would take e-mails into consideration. Mr. Menta explained that there is a lot of confusion about what an e-mail is. The e-mail is a delivery device and unfortunately some people put too much content in them. He gave an example where 35 years ago there were things called correspondence manuals where it was not allowed to put anything in an official piece of correspondence unless it was stated in a certain way. There was a predefined list of subjects that could be used and one recognizable by everybody. Regarding e-mails, first the delivery mechanism needs to be separated from the content; procedures need to be established that declare how to communicate various subjects. There has to be a way of communicating requests from the public and how to respond. Secondly, separate the content from the delivery mechanism. The draft should exist in a central repository and explicitly identified as a draft and when an e-mail message is sent to someone it would state a reference that already exists. In combination of choosing an Electronic Document Management software package, choosing a records management software package, and establishing this discipline for correspondence, would be a way of achieving adherence to public information law and establishing electronic records management for electronic mail. However, he feels that even after all these things are implemented, it will be a burden on employees. Therefore, there is another element that needs to be added: an automated classifier. There are neural network based artificial intelligence software packages that allow a piece of software to look at 10,000 messages and pick out the three that contain content that involve a public record. The four elements that he addressed are the discipline about procedures, separating the envelope from the content, the way of managing secure content, and having some type of tool to classify the content for the user so that they do not have to think about every last piece of e-mail that they touch.

Ms. Mark added that the fifth should be the assignment of the retention period. Mr. Menta commented that by establishing a higher level of authenticity required for electronic records than needed for paper it's almost an undoable thing. Ms. Mark pointed out that one of the reasons why the State was hesitant for so long to go onto a PDF standard was because PDFs can be easily modified. Mr. Menta disagreed and that he would address that issue in his report. Mr. Marcella stated there is always the potential that documents could be altered. Assistant City Attorney Redlein indicated that there are some things that cannot be changed. Think about records and what the most important implications of a record could be; it could send someone to prison in a criminal trail.

Mr. Marcella asked Ms. Mark what could the City look forward to from the State for the next year. Ms. Mark replied that the next year will bring more policies on managing electronic public records. They also want to stress educating all the public records custodians to make sure that they understand exactly how to manage those records effectively so that they can verify that those are the records to be true and accurate. They will try to get in some high level speakers in. The State's goal is to get a grant next year. She offered her help in answering any questions the City might have. City Clerk Ronemus thanked Ms. Mark for her input and for sharing her knowledge. Ms. Mark noted that the State is in the process of redoing the local records manual and would appreciate the Southern influence.

(1:58 – 3:05)

1-523

4. DISCUSSION AND POSSIBLE DIRECTION ON THE CITY OF LAS VEGAS PUBLIC RECORDS POLICY AND ACCESS PROCEDURE.

Assistant City Attorney Redlein requested that this item be moved to the next Records Management Committee meeting due to the fact that City Manager Doug Selby, Deputy City Manager Steve Houchens and David Riggelman could not be present. When the policy was established there was specific discussion about written procedures and they are not being followed. Due to recent events, there have been deviations about records requests and records production that make him uncomfortable. There have been instances where the PIO has accepted the request for documents. It is understandable that the reporters know them, but he guarantees that the records being asked for are not PIO records. The written policy states that when a custodian receives a request for a record within his possession and the request comes from a reporter, the PIO is to be advised. The PIO should refer the reporter to the appropriate department where that record is kept.

Assistant City Attorney Redlein explained that recently a reporter asked for a copy of every public records request that has been submitted to the City of Las Vegas for the last six months. The request was received by the PIO by e-mail. As the written policy states, and since this would be a multi-departmental request, the proper thing for the PIO is to contact the City Clerk, who will disseminate the request to all departments involved in that particular record request. She will then get that information to the reporter.

City Clerk Ronemus informed Assistant City Attorney Redlein that this item would be on the Records Management Committee meeting of January 2004. Assistant City Attorney Redlein stated that whatever City Manager Selby thought when the policy was written might not be what Deputy City Manager Huchens thinks today. It could be that the policy might be rewritten. However, the fact remains that there is a policy in place approved by the Records Management Committee. He clarified for Ms. Dues that if somebody who is not the custodian of a public record accepts and processes a public record request creates a problem. He reiterated that if there is a multi-departmental request it comes to the City Clerk who is the coordinator. She will then call the reporter and provide the information.

Assistant City Attorney requested to abey Item 4 to January 2004. City Clerk Ronemus directed that it be placed on the January agenda.

(3:05 – 3:12)

1-3363

ADJOURNED:

MARCELLA - Motion to ADJOURN – REDLEIN seconded the motion – with Pat Dues voting for Houchens (excused), Goecke, Vincent, and Snelding excused

The meeting adjourned at 3:15 p.m.

/ac